

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

DAVID WARES, et al,

Defendants.

NO: CV-12-437-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80163-PCW11

ORDER ADOPTING REPORT AND
RECOMMENDATION RE PARTIAL
SUMMARY JUDGMENT

Before the Court is a Report and Recommendation from the Bankruptcy
Court. ECF No. 33. The Court has reviewed the relevant filings and is fully
informed.

ORDER ADOPTING REPORT AND RECOMMENDATION RE PARTIAL
SUMMARY JUDGMENT ~ 1

1 The Bankruptcy Court recommends granting Plaintiff's Motion for Partial
2 Summary Judgment, Bankr. Adv. No. 11-80163, ECF No. 36. Plaintiff asks for
3 partial summary judgment concluding that Defendants invested \$161,232.60 and
4 received \$171,473.47. Bankr. Adv. No. 11-80163, ECF No. 36 at 2. Defendants
5 never responded to Plaintiff's requests for admission which asserted those
6 amounts. *See* Bankr. Adv. No. 11-80163, ECF No. 37 at 4. *See also* Fed. R. Civ.
7 P. 6(a)(3) ("A matter is admitted unless, within 30 days after being served, the
8 party to whom the request is directed serves on the requesting party a written
9 answer or objection . . .").

10 Defendants did not respond to the motion for partial summary judgment or
11 attend a status conference on the motion in August 2013. *See* ECF No. 33 at 2.
12 Nor have Defendants objected in this Court to the Report and Recommendation.
13 Accordingly, **IT IS HEREBY ORDERED** that the Report and Recommendation,
14 **ECF No. 33**, is **ADOPTED**.

15 **IT IS SO ORDERED.**

16 The District Court Clerk is hereby directed to enter this Order and to provide
17 copies to counsel and to any pro se defendants.

18 **DATED** this 5th day of March 2014.

19 s/ Rosanna Malouf Peterson
20 ROSANNA MALOUF PETERSON
Chief United States District Court Judge